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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,029	03/26/2004	Brian R. Cartmell		9807

7590 08/23/2007
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Newman & Newman, LLP
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Seattle, WA 98104

EXAMINER

PORTIS, SHANTELL L

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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08/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/811,029	CARTMELL, BRIAN R.	
	Examiner	Art Unit	
	Shantell Portis	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/26/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 9-17 have been considered but are moot in view of the new ground(s) of rejection.

The rejections are set forth below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 9-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Philyaw, U.S. Publication No. 2005/0044172.

Regarding Claims 9 and 10, Philyaw discloses a method of transmitting information (**the audio signal 111 is received by PC 302**), comprising: encoding information (**encoded information contained within the audio signal 111**) based on computer network address location data (**advertiser server URL information**), the computer network address location data having corresponding logical location/coordinate pair data that associates the computer network address location data with the information in a remotely-accessible database (**database 310**) of information; and transmitting the encoded information to a remote device (**ARS 308**)

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having access to the remotely-accessible database of information such that the remote device can decode **(the ARS 308 decodes the message packet and performs a cross reference function with product information extracted from the received message packet to obtain the address of an advertiser server 312)** the encoded information with reference to the similar logical location/coordinate pair data and the remotely-accessible database of information **(a new message is assembled comprising the advertiser server 312 address and sent back to the PC 302)**; and where the remotely- accessible database of information is pre-existing in the environment and not necessarily provided for the purpose of encoding the information to be transmitted. **See paragraphs [0051], [0056], [0057] and [0060]-[0065].**

Regarding Claim 11, Philyaw discloses a method of encoding, transmitting, and decoding information comprising: identifying a content reservoir **(ARS 308 containing a database 310)** from accessible content reservoirs in the environment; utilizing an information transcription protocol to encode the information into computer network address and logical location/coordinate paired information **(URL address information)**, which computer network address and logical location/coordinate paired information identifies and corresponds to at least part of the content reservoir; transmitting the computer network address and logical location/coordinate paired information to a remote device **(the audio signal 111 comprises advertiser product information which is extracted and appended with URL information of an Advertiser Reference Server (ARS) 308. The ARS 308 is a system disposed on the network 306 that is defined as the location to which data in the audio signal 111 is to be**

routed); receiving the computer network address and logical location/coordinate paired information at the remote device **(when the advertiser server address URL is obtained from the ARS database 310, it and the request for the particular advertiser product information is automatically routed back through the web browser on PC 302)**; accessing the identified content reservoir according to the computer network address **(data in the audio signal 111 will always be routed to the ARS 308 since a URL is unique on the GCN 306)**; and decoding the logical location/coordinate paired information into the information by identifying at the remote device the part and/or parts of the identified content reservoir which correspond to the logical location/coordinate paired information **(the ARS 308 decodes the message packet and performs a cross reference function with product information extracted from the received message packet to obtain the address of an advertiser server 312. A new message packet is assembled comprising the advertiser server 312 address and sent back to the PC 302). See paragraphs [0051], [0056], [0057] and [0060]-[0065].**

Regarding Claim 12, Philyaw discloses wherein the computer network address and logical location/coordinate paired information identifies the content reservoir as well as the logical location(s) within the content reservoir which correspond to the information being encoded **(data in the audio signal 111 will always be routed to the ARS 308 since a URL is unique on the GCN 306. Connected to the ARS 308 is a database 310 of product codes and associated manufacturer URLs)[0060]**.

Regarding Claim 13, Philyaw discloses wherein the computer network address and logical location/coordinate paired information identifies the content reservoir as well as the temporal and logical location(s) within the content reservoir which correspond to the information which is to be transmitted **(see rejection for claim 12)**.

Regarding Claim 14, Philyaw discloses wherein the content reservoir is accessible through the Internet **[0003], [0053] and [0056]**.

Regarding Claim 15, Philyaw discloses wherein the content reservoir is accessible through a radio, television, mobile, and/or cordless phone wireless transmission [0003].

Regarding Claim 16, Philyaw discloses wherein the content reservoir is selected to provide compression in addition to encoding of the information **(a new message packet is assembled comprising the advertiser server 312 address and sent back to the PC 302. The PC 302 reroutes the information on to the advertiser server 312 with the appropriate source and destination address appended. The advertiser server 312 receives and decodes the message packet)**[0061].

Regarding Claim 17, Philyaw discloses wherein the content reservoir is selected to provide encryption in addition to encoding of the information **(see rejection for claim 16)**.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Agnew et al., U.S. Patent No. 6,950,745 discloses a navigation system.

Mannings et al., U.S. Patent No. 6,111,539 discloses a navigation information system.

Walters et al., U.S. Patent No. 6,816,782 discloses an apparatus, systems and methods for navigation data transfer between portable devices.

Walters et al., U.S. Patent No. 6,768,450 discloses a system and method for wirelessly linking a GPS device and a portable electronic device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shantell Portis whose telephone number is 571-272-0886. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


SLP


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SUPERVISORY PRIMARY EXAMINER